

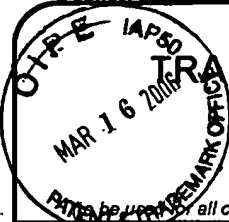
3-17-06

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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 TRANSMITTAL FORM Please use this form for all correspondence after initial filing.	Application Number	10/799,286	
	Filing Date	March 12, 2004	
	First Named Inventor	Rajagopal Bakthavatchalam	
	Art Unit	1614	
	Examiner Name	K. Weddington	
Total Number of Pages in This Submission	13	Attorney Docket Number	02-090-Z (NEU-02-090-Z)

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Supplemental Modified 1449 Form (2 pages) Cited References (4 references) Supplemental Application Data Sheet (5 pages) Express Mail Information (1 page) Return Receipt Postcard (1 card)
Remarks Papers transmitted herewith: 1. Transmittal Form (PTO/SB/21; 1 page; this paper) 2. Fee Transmittal (PTO/SB/17; 1 page; 2 copies) 3. Check for \$180.00 4. Supplemental Information Disclosure Statement (2 pages) 5. Supplemental Modified 1449 Form (2 pages) 6. Cited References (4 references) 7. Supplemental Application Data Sheet (5 pages) 8. Express Mail Information (1 page) 9. Return Receipt Postcard (1 card)		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

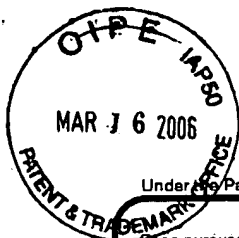
Firm Name	Maurice M. Klee, Ph.D.		
Signature	<i>Maurice Klee</i>		
Printed name	Maurice M. Klee, Ph.D.		
Date	3/16/06	Reg. No.	30,399

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: (sent by Express Mail Number EQ 420272715 US)			
Signature	<i>Maurice Klee</i>		
Typed or printed name	Maurice M. Klee, Ph.D.	Date	3/16/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04v2)

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

180.00

Complete if Known

Application Number	10/799,286
Filing Date	March 12, 2004
First Named Inventor	Rajagopal Bakthavatchalam
Examiner Name	K. Weddington
Art Unit	1614
Attorney Docket No.	02-090-Z (NEU-02-090-Z)

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 11-1158 Deposit Account Name: Maurice M. Klee, Ph.D.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims	Extra Claims	Fee (\$)
- 20 or HP =	x	=
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims	Extra Claims	Fee (\$)
- 3 or HP =	x	=
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Pursuant to 37 CFR §1.97(c)(2) and 37 CFR §1.17(p)

Fees Paid (\$)

180.00

SUBMITTED BY

Signature	<i>Maurice Klee</i>	Registration No.	30,399	Telephone	(203) 255-1400
Name (Print/Type)	Maurice M. Klee, Ph.D.	(Attorney/Agent)		Date	3/16/06

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



270] Attorney Docket No. : 02-090-Z (NEU-02-090-Z)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Bakthavatchalam et al.
Serial No. : 10/799,286
Filed : March 12, 2004
For : CAPSAICIN RECEPTOR LIGANDS
Examiner : K. Weddington
Group : 1614

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with 37 CFR §1.56 and 37 CFR §1.97(c)(2), applicants wish to call the Examiner's attention to References 23-34 listed on the Supplemental Modified 1449 Form submitted herewith.

Copies of these references are submitted herewith, except for those which are either a U.S. patent application publication or were previously submitted to the Patent Office. However, if for any reason, the Examiner believes it is necessary or desirable for applicants to provide copies of all or some of these references, the Examiner is requested to advise the undersigned attorney and any copies required will be provided.

Applicants would like to bring to the Examiner's attention commonly owned U.S. Application No. 10/347,210, which was published as US 2004-0106616 on June 3, 2004 (Reference 23), for which the issue fee was paid on February 1, 2006.

References 24, 25, and 27 were listed in the PCT Search Report submitted with the Information Disclosure Statement filed in this application on December 3, 2004, but were not previously submitted. Reference 26 is an English language patent publication corresponding to Reference 27.

References 28-34 were previously submitted to the Patent Office in this application as exhibits to applicants' January 24, 2006 Amendment. Additional copies of these references are thus not being submitted with this Information Disclosure Statement.

Pursuant to 37 CFR §1.97(c)(2) and 37 CFR §1.17(p), a check for \$180.00 is enclosed. The Director is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment, to Deposit Account No. 11-1158.

The Examiner is respectfully requested to initial a copy of the Supplemental Modified 1449 Form and return it to applicants to indicate consideration of the references listed thereon in connection with the prosecution of this application.¹

Respectfully submitted,

Date: 3/16/06

Maurice Klee

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Reg. No. 30,399
Attorney for Applicant
1951 Burr Street
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(203) 255-1400

¹ In addition to this Supplemental Information Disclosure Statement, a revised Application Data Sheet is submitted herewith which corrects certain errors noted in the original Application Data Sheet and updates the correspondence address for this application.



[270] Atty Dkt: 02-090-Z (NEU-02-090-Z)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Bakthavatchalam et al.
Serial No. : 10/799,286
Filed : March 12, 2004
For : CAPSAICIN RECEPTOR LIGANDS
Examiner : K. Weddington
Group : 1614

SUPPLEMENTAL MODIFIED 1449 FORM

U.S. PATENT DOCUMENTS

<u>Examiner Initial</u>	<u>Document Number</u>	<u>Issue Date</u>	<u>Name</u>
_____	23. 2004-0106616	6/2004	Bakthavatchalam et al.

FOREIGN PATENT DOCUMENTS

<u>Examiner Initial</u>	<u>Document Number</u>	<u>Date</u>	<u>Country</u>
_____	24. 0 100 200	8/84	EP
_____	25. 0 790 240	8/1997	EP
_____	26. 1 122 242	8/2001	EP
_____	27. WO 00/17163	3/2000	PCT

OTHER ART

<u>Examiner Initial</u>	
_____	28. Acs G, Biro T, Acs P, Modarres S, Blumberg, P (1997) Differential activation and desensitization of sensory neurons by resiniferatoxin. J. Neurosci. 17:5622-5628.

- 29. Blumberg PM, Szallasi A, Acs G (1993) Resiniferatoxin, an ultrapotent capsaicin analogue. In: Capsaicin in the study of pain (Wood JN, ed), pp 45-62. London: Academic.

- 30. Dedov VN, Tran VH, Duke CC, Conner M, Christie MJ, Mandadi S, Roufogalis B (2002) Gingerols: a novel class of vanilloid receptor (VR1) agonists. Br. J. Pharmacol. 137:793-798.

- 31. Someya A, Horie S, Yamamoto H, Murayama T (2003) Modifications of capsaicin-sensitive neurons in isolated guinea pig ileum by [6]-gingerol and lafutidine. J Pharmacol Sci 92:359-366

- 32. Szallasi A, Blumberg PM (1990) Minireview: Resiniferatoxin and its analogs provide novel insights into the pharmacology of the vanilloid (capsaicin) receptor. Life Sci 47:1399-1408.

- 33. Szallasi A, Blumberg PM (1993) [³H]resiniferatoxin binding by the vanilloid receptor: species-related differences, effects of temperature and sulfhydryl reagents. Naunyn-Schmiedeberg's Arch Pharmacol 347:84-91.

- 34. Szallasi A, Blumberg PM (1993) Mechanisms and therapeutic potential of vanilloids (capsaicin-like molecules). Advances in Pharmacology 24:123-155.



[270] Attorney Docket No. : 02-090-Z (NEU-02-090-Z)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Bakthavatchalam et al.
Serial No. : 10/799,286
Filed : March 12, 2004
For : CAPSAICIN RECEPTOR LIGANDS
Examiner : K. Weddington
Group : 1614

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL INFORMATION

Attached hereto are the following papers which are being mailed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service on the date indicated below:

1. Transmittal Form (PTO/SB/21; 1 page)
2. Fee Transmittal (PTO/SB/17; 1 page; 2 copies)
3. Check for \$180.00
4. Supplemental Information Disclosure Statement (2 pages)
5. Supplemental Modified 1449 Form (2 pages)
6. Cited References (4 references)
7. Supplemental Application Data Sheet (5 pages)
8. Express Mail Information (1 page; this page)
9. Return Receipt Postcard (1 card)

Date of mailing: March 16, 2006
Express Mail mailing label number: EQ 420272715 US
Person depositing papers with
the U.S. Postal Service: Anya Klee

March 16, 2006
Date Signed

Anya Klee
Anya Klee



SUPPLEMENTAL APPLICATION DATA SHEET

Application Information

Application number::	10/799,286
Filing date::	March 12, 2004
Application Type::	Regular
Subject Matter::	Utility
Suggested classification::	N/A
Suggested Group Art Unit::	N/A
Title::	Capsaicin Receptor Ligands
Attorney Docket Number::	02-090-Z
Request for Early Publication?::	No
Request for Non-Publication?::	No
Suggested Drawing Figure::	N/A
Total Drawing Sheets::	N/A
Small Entity::	No
Petition Included?::	No
Secrecy Order in Parent Appl.?::	No

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State or Prov. of mailing address:: Connecticut
Postal or Zip Code of mailing address:: 06437

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~~Name Line Two:: McDonnell Boehnen Hulbert & Berghoff LLP~~
~~Street of Mailing Address :: 32nd Floor~~
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~~City of Mailing Address:: Chicago~~
~~State or Providence of Mailing Address:: IL~~
~~Country of Mailing Address:: USA~~
~~Postal or Zip Code of Mailing Address:: 60606~~
~~Phone Number:: (312) 913-0001~~
~~Fax Number:: (312) 913-0002~~
~~E-Mail Address:: docketing@mbhb.com~~

Representative Information

<u>Representative Customer Number::</u>	23520
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Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
<u>This Application</u>	<u>is a Continuation of</u>	<u>Serial No. 09/910,442</u>	<u>July 20, 2001</u>
	Claims Priority to	Serial No. 60/280,223	March 30, 2001
		Serial No. 60/230,726	September 7, 2000
		Serial No. 60/219,529	July 20, 2000

Foreign Priority Information

Country::	Application No.::	Filing Date::	Priority Claimed::

Assignee Information

Assignee name:: Neurogen Corporation